

Portland Police Bureau _____

Police Review Board: Summaries and Reports

November 17, 2018-July 29-2019



**Portland Police Bureau
1111 SW 2nd Ave.
Portland OR 97204**

Police Review Board Cases with Final Dispositions

Publication: September 2019

Board Date	Case #	Final Outcome	Additional Information
12/19/2016	2016-B-0003	Termination	<p>Case referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Marshman agreed with the board's recommended findings.</p> <p>Chief Outlaw imposed the recommended level of discipline.</p>
8/28/2017	2016-B-0020	Two Workweek SWOP	<p>Case referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw found Allegation #5 Not Sustained; there was not enough evidence to show the alleged contact was intentional under the preponderance of evidence standard.</p> <p>Chief Outlaw found Allegations 1 and 4 Sustained, and the associated conduct violations defined under Category D (Aggravated) of the Bureau's Discipline Guide with prior conduct violations within the specific period time resulting in an increase in the penalty level.</p>
10/12/2017	2017-B-0030	One Workweek SWOP	<p>Case referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the board's recommended finding and found the conduct is defined under Category D (Aggravated) of the Bureau's Discipline Guide.</p>

Police Review Board Cases with Final Dispositions

Publication: September 2019

Board Date	Case #	Final Outcome	Additional Information
3/12/2018	2017-C-0061	Exonerated	<p>Case referred to the PRB by the RU manager. The branch assistant chief and IA concurred with the recommendation. IPR controverted the findings for both allegations from Sustained to Not Sustained.</p> <p>Chief Outlaw returned the case for additional investigation. Additional interviews were conducted with subject matter experts. At the conclusion of the additional investigation, the RU manager reached a conclusion that both allegations were Exonerated.</p> <p>The following rationale and analysis were provided: Employee 1 fired 3-4 FN-303 rounds in immediate reaction to the aggressive physical resistance by Person 1. FN-303 rounds can be fired one at a time or in succession but as with any force the officer is required to continually assess its effect on the person. Employee 1 fired the succession of rounds and stopped as soon as the rounds had the desired effect on Person 1. Employee 1 described other force options Employee 1 had and recognized they were not appropriate for the situation and going hands-on themselves was not an option in Employee 1's role. Employee 1 used a reasonable and necessary force option that was the appropriate least amount of force for the situation. Employee 1 had seen other force options used against Person 1 and saw that they were ineffective. Person 1 stopped their aggressive behavior and was taken into custody without the need for additional force. Employee 1 considered their options and deployed the least amount of force they felt was necessary.</p> <p>The branch assistant chief, IPR, and IA captain concurred with the rationale and analysis.</p> <p>Chief Outlaw considered the rationale and analysis and agreed with the recommended findings of Exonerated.</p>
4/19/2018	2017-C-0303	One Workday SWOP	<p>The RU manager recommended a finding of Not Sustained. The branch assistant chief, IA, and IPR controverted the recommended finding to Sustained. This case required a mandatory administrative review by the PRB under City Code 3.20.140, sections (B)(1)(a) and (B)(1)(c)(4).</p> <p>Chief Outlaw disagreed with the board majority's recommended finding of Not Sustained and found the allegation Sustained. Chief Outlaw found the conduct is described under Category D (mitigated) of the Bureau's Discipline Guide.</p>

Police Review Board Cases with Final Dispositions

Publication: September 2019

Board Date	Case #	Final Outcome	Additional Information
6/6/2018	2018-B-0004	One Workweek SWOP	This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation. Chief Outlaw agreed with the board's recommended findings and the board majority's recommendation of a one workweek suspension without pay under Category C (Aggravated) of the Bureau's Discipline Guide, with an increase in the penalty level as a result of multiple sustained violations.
6/20/2018	2018-C-0055	Two Workday SWOP	Case referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation. Chief Outlaw agreed with the board majority's recommended findings and found the conduct is defined under Category C (Aggravated) of the Bureau's Discipline Guide.
7/9/2018	2017-C-0361	One Workday SWOP	Case referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation. The branch assistant chief controverted Allegations #2 and #3 from Not Sustained to Sustained. Chief Outlaw agreed with the board's recommended findings and the recommended level of discipline under the identified category of the Bureau's Discipline Guide.
7/9/2018	2018-B-0012	Two Workday SWOP	Case referred to the PRB by the branch assistant chief. IPR concurred with the recommendation. Chief Outlaw agreed with the board's recommended findings and found the conduct is defined under Category C of the Bureau's Discipline Guide, with the penalty level increased as a result of a prior violation within the previous three years. Equal weight was found in consideration of aggravating and mitigating factors.

Police Review Board Cases with Final Dispositions

Publication: September 2019

Board Date	Case #	Final Outcome	Additional Information
9/5/2018	2018-C-0061	One Workday SWOP	<p>The RU manager reached a finding of Not Sustained. The branch assistant chief controverted the finding and recommended a finding of Sustained. IA and IPR concurred with the recommended finding of Sustained.</p> <p>The PRB's majority recommended a finding of Not Sustained with a Debriefing. An appeal was filed and the case was reviewed by the Citizen Review Committee. The CRC recommended a finding of Sustained. Chief Outlaw agreed with the CRC's recommendation.</p> <p>Chief Outlaw determined the employee was not untruthful in their accounting of the events that occurred, and found the employee inappropriately applied the exception in the Truthfulness Directive that permits officers, in limited circumstances, to use deception to accomplish legitimate law enforcement purposes. Chief Outlaw determined the conduct was a performance issue rather than a truthfulness issue.</p> <p>Chief Outlaw found the conduct is defined under Category C (Presumptive) of the Bureau's Discipline Guide after finding equal weight in consideration of aggravating and mitigating factors.</p>
11/1/2018	2018-B-0014	All actions found In Policy with Debriefings	<p>Case required a mandatory administrative review under City Code 3.20.140(B)(1)(c).</p> <p>Chief Outlaw agreed with the recommended findings and added debriefings with all involved for Area of Review #2.</p>
11/19/2018	2018-B-0039	Resigned	<p>Case referred to the PRB as a result of recommended findings of Sustained, with concurrence by all reviewing parties including the assigned A/C, IPR, IA, and the Deputy Chief of Police. Chief Outlaw agreed with the PRB's recommended findings and the board majority's recommendation of termination.</p>
11/28/2018	2018-B-0023	All actions found In Policy	<p>This case required a mandatory administrative review under City Code 3.20.140(B)(1)(c).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p>

Police Review Board Cases with Final Dispositions

Publication: September 2019

Board Date	Case #	Final Outcome	Additional Information
2/11/2019	2018-B-0007	Retired	Case referred to the PRB as a result of recommended findings of Sustained, with concurrence by all reviewing parties including IPR, IA, and the Deputy Chief of Police. Chief Outlaw agreed with the PRB's recommended findings and the board's recommendation for a one workweek suspension without pay. Chief Outlaw found the conduct is defined under Category D (Aggravated) of the Bureau's Discipline Guide.
2/27/2019	2018-B-0059	All actions found In Policy with Debriefings	Case required a mandatory administrative review under City Code 3.20.140(B)(1)(c). Chief outlaw agreed with the board's recommended findings, the board minority's recommendation for debriefing for Areas of Review #2, and added a debriefing with the both involved members for Area of Review #3.
2/28/2019	2018-C-0248	CC	Case not referred to the PRB by the RU manager. IPR concurred with the RU manager's recommendations. The case was referred to the PRB as a result of a controverted finding by the IA captain, who controverted the finding for Allegation #8 from Not Sustained to Sustained. Deputy Chief Day agreed with the PRB's recommended findings and the recommended corrective action of command counseling.
4/10/2019	2018-B-0077	All actions found In Policy	Case required a mandatory administrative review under City Code 3.20.140(B)(1)(c). Chief Outlaw agreed with the board's recommended findings.

DATE: January 3, 2017

TO: Michael Marshman
Chief of Police

FROM: Mark Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on December 19, 2016, to review the following case:

IA Case Number: **2016-B-0003**

Employee: **Employee**

Summary of Alleged Complaint:

Employee broadcasted over [REDACTED] Precinct radio talk group that a car crashed into [REDACTED]. Occupants of that car fled the scene and were never found despite a perimeter and K9 track. [REDACTED] Precinct officers and traffic officers responded and investigated the incident and crash scene. Clackamas County was called in to do an independent reconstruction of the accident. The analysis did not appear to fit the statements and report by Employee.

Allegation #1: *Employee was untruthful when [REDACTED] reported [REDACTED] was rammed by a civilian car. (CONDUCT) (Directive 310.50-Truthfulness)*

Recommended Findings: Sustained – 5 Members
Applicable Directives:
310.50 - Truthfulness

Opinion: Board members found Employee's explanation not believable and in conflict with the observations, analysis and conclusions of the investigators. The traffic experts' reconstruction of the events and the physical evidence do not support the statements of the incident made by Employee. Regarding allegation #1, all five members voted to sustain allegation.

Allegation #2: *Employee wrote a false police report for Portland Police Case # [REDACTED] (PROCEDURE)*

Recommended Findings: Sustained – 5 Members
Applicable Directives:
315.00 - Laws, Rules and Orders

Opinion: Consistent with the documented evidence and the discrepancies of Employee's statements about the incident the five members unanimously sustained allegation #2 that Employee submitted a false police report in violation of Directive 315.00 -Laws, Rules and Orders.

Allegation #3: *Employee did not properly perform [REDACTED] duties when [REDACTED] wrote a police report that did not accurately reflect the facts. (CONDUCT)*

Recommended Findings: Sustained – 5 Members
Applicable Directives:
315.30 – Satisfactory Performance

Opinion: The five members unanimously voted to sustain allegation #3, that Employee did not properly perform [REDACTED] duties when [REDACTED] wrote the police report. Members felt that Employee's behavior shows willful disregard of Bureau values, and demonstrated a lack of integrity by not accurately reflecting the facts when writing the police report.

Recommendations: Corrective Actions/Discipline

Termination/5 Voting Members

Opinion:
All five voting members concluded that allegations one, two and three were each Category F violations. Two members said Category F, presumptive, with three others saying Category F, aggravated, due to the progressive discipline in place. The resulting recommendation is termination.

No Additional Recommendations were made.

DATE: September 11, 2017
TO: Christopher Paillé
Review Board Coordinator
FROM: Anne Pressentin
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on Monday, August 28, 2017, to review the following case:

IA Case Number: **2016-B-0020**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #1 deployed Employee #1's Taser on Employee #1 while in the hallway of the [REDACTED] [REDACTED]. The precinct learned several people had concerns with Employee #1's conduct toward several employees when they began their investigation into the Taser incident.

Allegation #1 Employee #1 was unprofessional when Employee #1 hugged and kissed Employee #2 in March of 2016.

Employee: **Employee #1**

Recommended Finding: **Sustained / Five members**

Applicable Directives: Directive 310.00 – Conduct, Professional; and Human Resources Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation (CONDUCT)

The Board unanimously recommended a sustained finding because Employee #1 admitted to hugging and kissing Employee #2 while Employee #2 was on duty. Members said Employee #1's actions were not wanted by Employee #2. As such, they were neither appropriate nor professional.

Allegation #2 Employee #1 was unprofessional when Employee #1 attempted to hug and touch Employee #3.

Employee: **Employee #1**

Recommended Finding: **Exonerated / Five members**

Applicable Directives: Directive 310.00 – Conduct, Professional; and Human Resources Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation (CONDUCT)

The Board unanimously recommended an exonerated finding because the actions occurred while both employees were off duty and were consensual.

Allegation #3 Employee #1 was unprofessional when Employee #1 made sexual advances toward Employee #4.

Employee: **Employee #1**

Recommended Finding: **Exonerated / Five members**

Applicable Directives: Directive 310.00 – Conduct, Professional; and Human Resources Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation (CONDUCT)

The Review Board unanimously recommended an exonerated finding because Employee #1's actions occurred while both Bureau members were off duty.

Allegation #4 Employee #1 was unprofessional when Employee #1 spark tested Employee #1's Taser on Employee #1 in the hallway of the [REDACTED]

Employee: **Employee #1**

Recommended Finding: **Sustained / Five members**

Applicable Directive: Directive 310.00 – Conduct, Professional (CONDUCT)

Members of the Board unanimously said Employee #1 actions were unprofessional and recommended a sustained finding for the following reasons: Employee #1 admitted to conducting a spark test on Employee #1 in a public location, civilians were present and the actions were not consistent with training protocols.

Allegation #5 Employee #1 violated a communication restriction order by contacting personnel at [REDACTED]

Employee: **Employee #1**

Recommended Finding: **Sustained / Five members**

Applicable Directive: Directive 315.00 – Laws, Rules and Orders (PROCEDURE)

Board members unanimously recommended a sustained finding because Employee #1 stated Employee #1 texted Employee #3 and approached Employee #2 in the [REDACTED] while under a Communications Restriction Order. Communication restrictions, as orders, must be followed whether on or off duty. Employee #1 had a duty to clarify the restriction order through chain of command if Employee #1 had questions related to its breadth prior to contacting anyone at [REDACTED] and Employee #1 did not.

Allegation #6

Employee #1 was untruthful when Employee #1 said Employee #1 had not attempted to communicate with another PPB member after Employee #1 had been given a communication restriction order.

Employee: **Employee #1**

Recommended Finding: **Not sustained / Five members**

Applicable Directive: **Directive 310.50 – Truthfulness (CONDUCT)**

Board members unanimously recommended a not sustained finding. Violations of directive 310.50 occur when members knowingly or willingly are untruthful, evasive or deceptive. The members agreed that an email suggesting communication from Employee #1 to Employee #3 while the Communications Restriction Order was in place was sent from a cloned or hacked account. Thus, evidence was insufficient to determine that an occurrence of untruthfulness occurred.

Recommendations:

Corrective Action/Discipline

Employee: **Employee #1**

Corrective Action: **3 week SWOP / Four members**
3 week SWOP – termination / One member

Opinion 1:

Four members of the Board said Employee #1's actions were consistent with category D of the discipline guide, "Conduct substantially contrary to the values of the PPB or that substantially interferes with its mission, operations or professional image, or that involves a serious risk to officer or public safety, or intentionally violates Bureau policy." The Board members recommended three weeks suspension without pay due to multiple sustained findings in this case and Employee #1's previous discipline record. Members said there was an intentional violation of PPB policy. Two members said Employee #1's lack of judgment factored into their recommendation.

Opinion 2:

One member of the Board said Employee #1's actions were consistent with category E of the discipline guide, "Conduct that involves misuse of authority, unethical behavior, or an act that could result in an adverse impact on officer or public safety or to the professionalism of the PPB." The member said Employee #1 made an employee feel uncomfortable while on duty, which is unacceptable. The member recommended corrective action within the range of three weeks suspension without pay to termination. The member said the discipline recommendation was aggravated by the multiple sustained findings.

Other Recommendations

Description:

The Bureau should consider a fitness for duty evaluation for Employee #1.

Vote: Unanimous (5)

Rationale:

Board members said the investigation raised concerns about struggles Employee #1 may be experiencing in Employee #1's personal life that could impact [redacted] judgment and ability to do [redacted] job. One member noted several employees raised similar concerns in interviews over the course of the investigation.

Description:

The Bureau should implement Human Resources recommendation to have Employee #1 complete a full training of HRAR 2.02 policy (Prohibition against workplace harassment, discrimination and retaliation). The training should occur one-on-one with an HR professional prior to returning to duty in any capacity.

Vote: Unanimous (5)

Rationale:

Board members said a thorough training on HRAR 2.02, including the definition of harassment, would be beneficial prior to Employee #1 returning to work in any capacity to avoid future violations.

DATE: October 18, 2017
TO: Christopher Paillé
Review Board Coordinator
FROM: Mark Fulop
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

2017-B-0030

IA Case Number: Internal Case Number

Employee: Employee

Summary of Alleged Complaint:

Employee sang the song [REDACTED] " during the [REDACTED] at [REDACTED]

Allegation #1: *Employee was unprofessional when [REDACTED] sang the song [REDACTED] in [REDACTED]*

Recommended Finding: Sustained/3 Voting Members
Sustained for Directive 310.00 Only/1 Voting Member

Applicable Directive: 310.00—Conduct, Professional; 344.00—
Compliance with HRAR; HRAR 2.02—
Prohibition Against Workplace Harassment,
Discrimination and Retaliation

Majority Opinion: The voting members reviewed the findings and determined that regardless of the intentions of Employee, reciting the lyrics of [REDACTED] was unprofessional conduct and was a violation of Directive 344.00 and HRAR 2.02. The three Voting Members sustained the allegation. The three voting members also believed that Employee, as a supervisor who was facilitating [REDACTED] with members of other agencies present, demonstrated poor judgment.

Minority Opinion: One Voting Member sustained the allegation as a violation of Directive 310.00 only, determining that Employee's conduct was unprofessional for the workplace, but did not rise to the level of discrimination or harassment of a protected class under Directive 344.00 and HRAR 2.02.

Recommendations: Corrective Actions/Discipline

1 Week SWOP/ 2 Voting Members
2 Day SWOP/ 1 Voting Member
LOR/1 Voting Member (based on sustained 310.00 violation only)

Opinion: Two voting members determined that Employee's conduct fell within Category D of the discipline guide. The two found the actions to be substantially contrary to PPB values, considering the number of agencies involved and present, and the need for PPB to hold members accountable for their actions. The egregiousness of the conduct aggravated the Category D finding and the two voting members recommended 1 Week SWOP. The two voting members also recommended that remedial training for Employee be included as part of the corrective action.

Opinion: One voting member determined that Employee's conduct was a deviation from policy that fell within Category C of the discipline guide. The fact that Employee was a supervisor and had demonstrated significant lack of judgment were aggravating factors and the voting member recommended 2 Day SWOP. The voting member also recommended that remedial training for Employee be included as part of the corrective action.

Opinion: One voting member determined that Employee's conduct fell within Category B of the discipline guide, based on a sustained violation of Directive 310.00 only. The voting member believed that Employee's statements and intent, and the context of the event warranted a presumptive recommendation of a LOR.

No Additional Recommendation

DATE: March 26, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Mark Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

IA Case Number: Internal Case Number 2017-C-0061

Employee: Employee

Summary of Alleged Complaint:

An unpermitted protest called "Not My Presidents Day" by its organizers occurred on February 20, 2017, in downtown Portland. Initially the demonstration occurred at SW 3rd and Madison Street, in front of the Edith Green-Wendell Wyatt Federal Building. Officers assigned to the Rapid Response Team (RRT) skirmished with protesters at this location. Some protesters, including the complainant, marched west to SW 6th Avenue near SW Main Street. Officers contacted and arrested Citizen at this location. Employee was assigned as a grenadier to RRT Bravo Squad. Employee deployed multiple rounds of projectiles via a FN303 launcher at two community members during this mission. One community member was identified as Citizen 2 and the other as Citizen. Employee 2 is mentioned in Force After Action reports as having been hit in the hand with one of the projectiles.

The Force After Action report concluded Employee's use of the FN303 launcher as out of policy with regards to the deployment of PAV A rounds at Citizen. This finding prompted Internal Affairs to request IPR open an administrative investigation for misconduct of Employee by violating the Use of Force and Satisfactory Performance directives. Citizen was contacted by IPR with attorney approval and named the complainant for the administrative investigation.

Allegation #1: *Employee inappropriately deployed projectiles from an FN303 launcher at Citizen.*

Recommended Finding: Sustained/ 3 Voting Members
Not Sustained/ 4 Voting Members
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion: Four voting members did not sustain the allegation. The four voting members believed that Employee's rationale for the use of force demonstrated sound judgement and the evidence presented that [redacted] actions were out of policy failed to meet the preponderance of evidence standard. Furthermore, the four voting members believed that the repeated aggressive actions of Citizen did warrant Employee's deployment of PAVA rounds. The voting members noted that the Employee's actions allowed Citizen to be arrested without further incident.

Minority Opinion: Three voting members sustained the allegation, based on a preponderance of the evidence that the actions of Employee were outside of the policy as it was written at the time. Though, the three voting members believed that while Employee's action satisfied the Graham Standard for use of force, they also believed that Employee should have continued to assess the evolving circumstances under, what was described as, the "narrow" requirements of Directive 1010.10, Subsection 2.1.2. Continued assessing may have prevented the use of force and from this perspective, Employee was in violation of the Use of Force directive.

Allegation #2:

Employee failed to rely on as little force as practical when making a confrontation management decision.

Recommended Finding: Sustained/ 3 Voting Members

Not Sustained/ 4 Voting Members

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion: Four voting members did not sustain the allegation, based on a preponderance of the evidence. The four voting members believed that Citizen's repeated threatening contact with officers necessitated [redacted] arrest and that Employee's actions allowed the arrest to be made without incident while using the least amount of force necessary. The four voting members believed that Employee had a clear understanding of the tools available to [redacted] at the moment in question and the selected the intervention that produced the desired effect with the least amount of force possible.

Minority Opinion: Three voting members sustained the allegation based on a preponderance of the evidence. The three voting members believed that at the moment force was used, Citizen was alone before the line of officers and did not present a level of risk to officers that would have precipitated the use of force. The three voting members believed that an officer with the tenure and training that Employee has, should have taken extra time for continued assessment before acting. In this way, Employee failed to meet the standard required for confrontation management.

Recommendations:

Corrective Actions/Discipline

Command Counseling/ 3 Voting Members

Opinion: Three voting members recommended command counseling. The three determined that the sustained allegations fell within Category B of the Discipline Guide, mitigated by: the chaotic circumstances surrounding the violation(s); the aggressiveness of Citizen, who had made contact with officers earlier in the day; and Employee's complimentary work history.

Additional Recommendation:

The Police Bureau conduct an analysis of this case and identify areas in need of improvement with regards to communications amongst RRT personnel and a review of the use of FN303 in the context of how it was used in this case.

Other Note: One board member expressed concerns around the perception of brandishing an FN303.

DATE: April 30, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Mark Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on April 19th, 2018, to review the following case:

IA Case Number: **Internal Case Number** 2017-C-0303

Employee: **Employee**

Summary of Alleged Complaint:

Employee used OC Spray during a violent protest on [REDACTED]

Allegation #1: *Employee inappropriately used OC Spray on two unidentified bystanders offering no resistance. (FORCE) (Directive 1010.00 – Use of Force.)*

Recommended Finding: **Sustained/3 Members**
Not Sustained, with debrief/3 Members
Not Sustained/ 1 Member

Applicable Directive: **1010.00 – Use of Force**

Minority Opinion: Three voting members sustained the allegation. In reviewing the findings, the three members believed that Employee failed to take adequate precautions when deploying pepper spray to ensure that bystanders were not sprayed. The three voting members believed that had Employee deployed pepper spray in short bursts rather than tracking the suspect with a continuous spray, the bystanders would not have been inadvertently sprayed. For this reason, the three voting members sustained the allegation.

Minority Opinion: In reviewing the findings, three voting members found that there was not a preponderance of evidence that Employee violated directive 1010.00. The findings suggest that protest had become chaotic and that the Employee was attempting to create a defensive perimeter for officers to carry out their duties and contain the crowd's action. When Employee observed a suspect attempting to take an officer's bike, Employee deployed pepper spray in defense of the officers and to stop the suspect's unlawful actions. The deployment of the pepper spray caused the suspect to leave the scene. Video footage suggested that in the course of deploying pepper spray, that two bystanders may have been in the path of the pepper spray. In subsequent interviews, Employee indicated that [REDACTED] stopped the

deployment of pepper spray momentarily when [REDACTED] saw Person 1 and Person 2 [REDACTED] in the path of the spray in an attempt to minimize exposure to non-targeted persons. Based in these findings three voting members found not sustained with a debrief. The debrief should review the tactical use of pepper spray.

Minority Opinion: One voting member concurred that there was insufficient evidence to suggest that Employee violated directive 1010.00. The totality of circumstances suggested that Employee was concerned for the safety of officers in a chaotic situation. The voting member believed that when Employee observed a suspect attempting to take an officer's bike and deployed the pepper spray, that [REDACTED] was acting in accordance with the policy directives. This voting member did not feel that a debrief was unnecessary.

Recommendations:

Corrective Actions/Discipline

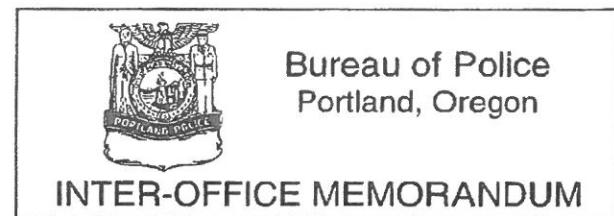
LOR/ 2 Voting Members
Command Counseling/ 1 Voting Member

Majority Opinion: Two Voting Members who sustained the allegation considered this as a Category C deviation from policy and that the use of OC spray had a potential negative impact on relationships between the PPB and the public. The two Voting Members found the complexity of the situations, and Employee's work history to be mitigating factors. Since this was the first such violation in 3 years, the mitigated discipline is a LOR.

Minority Opinion: One voting member place the violation in Category B as a negligent discharge of a Less Lethal. The member also agreed that there were mitigating factors including the chaotic crowd situation and Employee's work history and positive record. Since this was the first such violation in 3 years, the mitigated discipline recommendation was Command Counseling.

No other recommendations.

DATE: January 3, 2017
TO: Michael Marshman
Chief of Police
FROM: Mark Fulop
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on December 19, 2016, to review the following case:

IA Case Number: **2016-B-0003**

Employee: Employee

Summary of Alleged Complaint:

Employee broadcasted over [REDACTED] Precinct radio talk group that a car crashed into [REDACTED]. Occupants of that car fled the scene and were never found despite a perimeter and K9 track. [REDACTED] Precinct officers and traffic officers responded and investigated the incident and crash scene. Clackamas County was called in to do an independent reconstruction of the accident. The analysis did not appear to fit the statements and report by Employee.

Allegation #1: *Employee was untruthful when [REDACTED] reported [REDACTED] was rammed by a civilian car. (CONDUCT) (Directive 310.50-Truthfulness)*

Recommended Findings: Sustained – 5 Members
Applicable Directives:
310.50 - Truthfulness

Opinion: Board members found Employee's explanation not believable and in conflict with the observations, analysis and conclusions of the investigators. The traffic experts' reconstruction of the events and the physical evidence do not support the statements of the incident made by Employee. Regarding allegation #1, all five members voted to sustain allegation.

Allegation #2: *Employee wrote a false police report for Portland Police Case # [REDACTED] (PROCEDURE)*

Recommended Findings: Sustained – 5 Members
Applicable Directives:
315.00 - Laws, Rules and Orders

Opinion: Consistent with the documented evidence and the discrepancies of Employee's statements about the incident the five members unanimously sustained allegation #2 that Employee submitted a false police report in violation of Directive 315.00 -Laws, Rules and Orders.

DATE: September 11, 2017
TO: Christopher Paille
Review Board Coordinator
FROM: Anne Pressentin
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on Monday, August 28, 2017, to review the following case:

IA Case Number: **2016-B-0020**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #1 deployed Employee #1's Taser on Employee #1 while in the hallway of the [REDACTED] [REDACTED] The precinct learned several people had concerns with Employee #1's conduct toward several employees when they began their investigation into the Taser incident.

Allegation #1 Employee #1 was unprofessional when Employee #1 hugged and kissed Employee #2 in March of 2016.

Employee: **Employee #1**

Recommended Finding: **Sustained / Five members**

Applicable Directives: Directive 310.00 – Conduct, Professional; and Human Resources Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation (CONDUCT)

The Board unanimously recommended a sustained finding because Employee #1 admitted to hugging and kissing Employee #2 while Employee #2 was on duty. Members said Employee #1's actions were not wanted by Employee #2. As such, they were neither appropriate nor professional.

Allegation #2 Employee #1 was unprofessional when Employee #1 attempted to hug and touch Employee #3.

Employee: **Employee #1**

Recommended Finding: **Exonerated / Five members**

Applicable Directives: Directive 310.00 – Conduct, Professional; and Human Resources Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation (CONDUCT)

DATE: June 13, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on June 6, 2018 to review the following case:

IA Case Number: **2018-B-0004**

Employee: **Employee #1**

Incident Overview:

On [REDACTED], 2017, Employee #1 responded to a call regarding a man with a warrant. Employee #1 transported the subject to the hospital and did not arrest the subject for the warrant.

On [REDACTED], 2017, Employee #1 responded to a suicidal subject call. During the course of the call, Employee #1 discovered that the subject had violated a restraining order and did not arrest the subject for the restraining order violation. When advised by a supervisor to make all mandatory arrests, Employee #1 approached Employee #2 about the issue, thereby not following the chain of command.

Allegation 1: Employee #1 failed to make a mandatory arrest for a restraining order violation.
(PROCEDURE)

Recommended Finding: **Sustained – Four members**

Applicable Directive: **825.00 – Domestic Violence, Arrests and Restraining Orders**

Majority Opinion:

The Board unanimously recommended a sustained finding and said there is no allowance under the directive for Employee #1 to not enforce the mandatory arrest requirement. One member said that taking the subject to the [REDACTED] hospital rather than making the arrest resulted in the subject leaving the hospital, which posed a potential danger to the holder of the restraining order. One member said Employee #1 admitted in an Internal Affairs interview that Employee #1's failure to make an arrest was a violation of the directive.

Minority Opinion:

N/A

Allegation 2: Employee #1 failed to make a mandatory arrest on an outstanding warrant.
(PROCEDURE)

Recommended Finding: **Sustained – Four members**

Applicable Directives: **840.00 – Arrest with Warrant**

Majority Opinion:

The Board unanimously recommended a sustained finding and said Employee #1's action of informing only hospital security that the subject had a warrant for robbery in the third degree as not an allowed option and represented a clear violation of policy. If not making an arrest Employee #1 should have posted officers until the subject was released from the hospital and updated a sergeant.

Minority Opinion:

N/A

Allegation 3: Employee #1 failed to follow the chain of command by approaching Employee #2 directly about direction given by a supervisor. (CONDUCT)

Recommended Finding: **Not sustained, with debrief – Four members**

Applicable Directive: **315.00 – Laws, Rules, and Orders**

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief. The Board said that while the directive implies the chain of command must be followed in order, the open-door policy allows members to speak to their commander to promote open dialogue. The Board said it is reasonable that Employee #1 believed the open-door policy was an avenue for clarification on issues with which Employee #1 had concerns, and that Employee #1's actions did not rise to the level of a policy violation.

The Board recommended a debrief to discuss with Employee #1 the importance of going first to a sergeant or captain rather than the commander.

Minority Opinion:

N/A

Allegation 4: Employee #1 failed to take appropriate action at a disturbance due to interference from two people attempting to record the police. (CONDUCT)

Recommended Finding: **Sustained – Four members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board unanimously recommended a sustained finding and said Employee #1 exhibited poor performance and failed to fulfill the high standards of service which are required by the directive when Employee #1 left the area before completing the call because Employee #1 was being filmed. Employee #1 could have called for cover cars to assist in order to complete the call, which involved a possible bias crime. The Board agreed Employee #1 had the experience necessary to have performed better.

Minority Opinion:

N/A

Allegation 5: Employee #1 failed to make an arrest for a domestic violence assault.
(PROCEDURE)

Recommended Finding: **Not sustained, with debrief – Four members**

Applicable Directive: **825.00 – Domestic Violence, Arrests and Restraining Orders**

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief. The Board said that Employee #1 was confused and thought the appropriate charge was harassment based on Employee #1's assessment of the evidence, which does not require an arrest.

The recommended debrief would better educate Employee #1 on how to distinguish between assault and harassment.

Minority Opinion:

N/A

Allegation 6: Employee #1 failed to take appropriate action to protect a homeless person and two children living in a vehicle. (CONDUCT)

Recommended Finding: **Sustained – Four members**

Applicable Directives: **315.30 – Satisfactory Performance**
640.30 – Child Abuse Investigations

Majority Opinion:

The Board unanimously recommended a sustained finding and said Employee #1 failed to take appropriate action of investigating further and immediately notifying DHS when Employee #1 found two children living homeless in a van in a situation of possible neglect. Employee #1 had the needed experience to perform better.

Minority Opinion:

N/A

Allegation 7: Employee #1 disobeyed an order from a sergeant to arrest a person for a warrant. (CONDUCT)

Recommended Finding: **Sustained – Four members**

Applicable Directive: **315.00 – Laws, Rules, and Orders**

Majority Opinion:

The Board unanimously recommended a sustained finding. The Board said Employee #1 could have cited the suspect or stayed with the suspect or arranged

guard duty until the suspect's release. Employee #1's instructing the suspect to turn Employee #1 in was not an allowed option and did not follow the sergeant's direction, as required by the directive. Failure to arrest the individual and follow the sergeant's direction posed a danger to the public.

Minority Opinion:
N/A

Allegation 8: Employee #1 did not arrest a person for a warrant as required. (PROCEDURE)

Recommended Finding: **Not sustained, with debrief – Four members**

Applicable Directives: **840.00 – Arrest with Warrant**
315.00 – Laws, Rules, and Orders

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief. The Board said Employee #1 was not required to arrest the subject for a minor warrant. Employee #1 acted properly by advising the subject of the warrant and advising the subject to turn herself in.

The Board recommended a debrief to make sure Employee #1 understands Employee #1 should have notified the sergeant of Employee #1's decision to not make the arrest for a minor warrant.

Minority Opinion:
N/A

Allegation 9: Employee #1 was untruthful to a sergeant during a phone conversation about a case. (CONDUCT)

Recommended Finding: **Not sustained, with debrief – Four members**

Applicable Directive: **310.50 - Truthfulness**

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief and said Employee #1's actions showed confusion, but did not rise to the level of a policy violation. The Board said that Employee #1 honestly believed the crime was one of harassment and not assault, and was not purposefully untruthful. The Board said Employee #1 should have better described the pertinent information when speaking on the phone with the sergeant, and taken more care to clarify the situation in Employee #1's report.

The Board recommended a debrief to make sure Employee #1 understands Employee #1 should have provided more clear and thorough information to the sergeant and taken more time in writing Employee #1's report to accurately depict the level of crime committed.

Minority Opinion:

N/A

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

One week SWOP – Three members

Three members recommended corrective action under category C in the discipline guide for conduct that involves a risk to safety and identified allegation #7 as the most egregious sustained allegation. They said Employee #1's failure to take appropriate action was a potential danger to the public.

The members increased the penalty from the presumptive discipline by one because of the additional violations. They recommended corrective action of one-week suspension without pay because of aggravating factors including that the incidents happened consistently over several weeks and Employee #1 is an experienced officer who should have performed better. One member noted Employee #1 seemed confused as to how to handle serious matters like potential child abuse. The members said the incidents show a lack of professionalism and created additional problems that could have led to more consequences for Employee #1 and members of the public.

Minority Opinion:

Two day SWOP – One member

One Board member also recommended category C for the same reasons. The member increased the penalty from the presumptive discipline by one because of the additional violations, and recommended a two-day suspension without pay.

Additional Corrective Action Recommended

The Board unanimously recommended the employee receive remedial one-on-one training, either with the Training Division or at the RU, on the issues and deficiencies identified in this case. The remedial training should also include a discussion around Employee #1's understanding of policies and procedures relevant to people filming police actions.

The Board also unanimously recommended that the employee is referred to the Employee Assistance Program.

DATE: July 9, 2018
TO: Christopher Paillé
Review Board Coordinator
FROM: Mark Fulop
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on June 20, 2018, to review the following case:

IA Case Number: **Internal Case Number 2018-C-0055**

Employee: **Employee**

Incident Overview: Suspect was arrested for a warrant as well as for attempting to elude on foot from a motor vehicle. Employee read Suspect [REDACTED] Miranda Rights. Suspect repeatedly interrupted Employee and requested a lawyer. Employee failed to document or notify the primary officer, Employee 2, of Suspect's request for counsel.

Allegation 1: Employee failed to recognize the importance of Suspect's request for an attorney while admonishing Suspect of [REDACTED] Miranda Rights. (CONDUCT)

Recommended Finding: **Sustained (unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Unanimous Opinion:

The board believed that the evidence presented was clear that Employee failed to recognize and convey the suspect's request for an attorney during the process of the suspect's arrest. Other officers heard the request for an attorney. While Employee may not have heard the suspect's request, voting members believed that the importance of getting the Miranda Rights process correct is an important performance standard that was not met by Employee. The voting members unanimously sustained Allegation 1.

Allegation 2: Employee failed to document Suspect's request for an attorney in [REDACTED] police report. (PROCEDURE)

Recommended Finding: **Not Sustained with Debrief (four members)**
Not Sustained (one member)

Applicable Directives: **900.00 – General Reporting Guidelines**
315.00 – Laws, Rules, and Orders

Majority Opinion:

Four voting members agreed that Employee should have been aware of Suspect's request for an attorney, should have documented it, and should have relayed it to the primary officer. However, there is no evidence to suggest that that Employee was aware of the suspect's request for an attorney and the four voting members found it credible that Employee did not hear the suspect's

request for an attorney. Based on this reasoning, four members voted Not Sustained for Allegation #2. The four voting members also believed that because of [REDACTED] tenure with the department and [REDACTED] role as a Training Officer, that Employee receive a debriefing to reinforce the importance of paying attention to, documenting, and relaying all statements made by a suspect during the Miranda Rights process.

Minority Opinion:

One voting member agreed with the majority that the evidence does not sustain the allegation, but also believed Employee understands the gravity of [REDACTED] oversight and does not need a further debrief.

Allegation 3: Employee failed to relay Suspect's request for an attorney to Employee 2, the primary officer. (PROCEDURE)

Recommended Finding: **Not Sustained with Debrief (four members)**
Not Sustained (one member)

Applicable Directive: **315.00 – Laws, Rules, and Orders**
315.30 – Satisfactory Performance

Majority Opinion:

For allegation 3, four voting members found it credible that Employee did not hear the suspect's request for an attorney and, in this context, there was no information to convey to Employee 2. This led the four to a vote Not Sustained for allegation 3. As with Allegation 2, the four voting members felt that the debrief include the expectations of conveying information to a primary officer should also be included in the debrief of this incident.

Minority Opinion:

One voting member agreed with the majority that the evidence does not sustain the allegation. This voting member did not recommend a debriefing as the member believed Employee understands the gravity of [REDACTED] oversight.

Allegation 4: Employee was untruthful when [REDACTED] told Employee 3 [REDACTED] didn't remember Suspect's request for an attorney. (CONDUCT)

Recommended Finding: **Not Sustained (unanimous)**

Applicable Directive: **310.50 – Truthfulness**
315.30 – Satisfactory Performance

Unanimous Opinion:

In reviewing the evidence, the board found Employee's claim not to have heard the suspect's request for an attorney to be credible. The evidence does not suggest that Employee willfully disregarded Suspect's request. Employee's statements throughout the process were consistent and forthright. The board unanimously recommended a finding of Not Sustained.

Recommendations: Corrective Actions/Discipline

**One Workday SWOP - Four members
LOR – One member**

**Majority Opinion:
One Workday SWOP - Four members**

Four members of the board agreed that Employee's conduct constitutes a Category B violation, aggravated by prior discipline and Employee's status as a Field Training Officer. One board member noted that while this relatively low-level instance did not cause major problems with the District Attorney's office, a higher-level case could potentially have more serious repercussions in the community. As a result, the four members recommend a one-day SWOP.

**Minority Opinion:
LOR - One member**

One member agreed with the majority that Employee's conduct falls under Category B, but also believed that [redacted] prior discipline does not rise to the level of an aggravating factor. This member recommended that Employee receive a LOR.

Additional Corrective Action:

None recommended.

Other Recommendations:

No further recommendations.

DATE: July 16, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on July 9, 2018 to review the following case:

IA Case Number: **2017-C-0361**

Employee: **Employee #1**

Incident Overview:

An officer contacted a [redacted] teenager via social media late at night.

Allegation 1: Employee #1 was unprofessional in Employee #1's contact with juveniles on social media. (CONDUCT)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **310.00 – Conduct, Professional**

Majority Opinion:

The Board unanimously recommended a sustained finding. They said Employee #1 was unprofessional and brought reproach on the Bureau, in violation of the directive, by contacting [redacted] juveniles on social media. The Board said Employee #1's use of personal social media accounts, as well as the timing, tone and content of the messages raises the perception of misconduct and is potentially damaging to the profession of policing. Two Board members said that sending these messages only to [redacted] was troubling.

Individuals of a certain sex

Minority Opinion:

N/A

Allegation 2: Employee #1 failed to appropriately document a sexual assault. (PROCEDURE)

Recommended Finding: **Sustained – Five members**

Applicable Directives: **640.20 – Sexual Assault Investigations; 315.30 – Satisfactory Performance; 640.30 – Child Abuse Investigations**

Majority Opinion:

The Board unanimously recommended a finding of sustained. They said the directive clearly required that Employee #1 document in a report a potential sexual assault. While the victim declined to provide specific information, the documentation could be potentially useful in the future.

Minority Opinion:

N/A

Allegation 3: Employee #1 failed to follow the investigative steps required in a sexual assault case. (PROCEDURE)

Recommended Finding: **Not sustained – Five members**

Applicable Directives: **640.20 – Sexual Assault Investigations; 315.30 – Satisfactory Performance; 640.30 – Child Abuse Investigations**

Majority Opinion:

The Board unanimously recommended a finding of not sustained. Board members said that Employee #1 completed the required investigative steps by asking the victim to provide more detailed information; though they declined to provide such details.

In making their recommendation regarding Allegation #3, the Board did not consider the reporting of sexual assault required of Employee #1, as this was addressed in Allegation #2.

Minority Opinion:
N/A

Allegation 4: Employee #1 synchronized Employee #1's Bureau-issued smart phone with a personal media account. (PROCEDURE)

Recommended Finding: **Not sustained – Five members**

Applicable Directive: **1221.00 – Smart Phone Issuance and Usage**

Majority Opinion:

The Board unanimously recommended a finding of not sustained. Board members said there was not a preponderance of evidence to sustain the allegation, as evidence did not show when or where Employee #1's smart phone may have been synched, or with what account.

Minority Opinion:
N/A

Recommendations: Corrective Actions/Discipline

Majority Opinion:

One day SWOP – Five members

The Board unanimously recommended category B on the discipline guide for unprofessional contact with juveniles on social media which had a negative impact on the Bureau's relationship with the community. The Board unanimously recommended corrective action of one day suspension without pay, finding the misconduct was aggravated by the sustained finding for Allegation #2 where Employee #1 should have reported potential sexual abuse. Members said Employee #1's conduct was especially troubling because it involved minors, and potentially negatively impacted relationships with parents and [REDACTED].

Minority Opinion:
N/A

Additional Corrective Action Recommended
N/A

Other Recommendations

Recommendation #1 - Policy: The Board recommended the Bureau adopt the existing draft directive regarding personal social media use.

Vote: Concur / Five members

Rationale:

The Board members said the Bureau lacks written policy specifically addressing personal use of social media and public contact.

Recommendation #2 - Policy: The Board members recommended the Bureau review the need for Bureau-wide policy regarding interactions with youth and other vulnerable populations, including through social media.

Vote: Concur / Five members

Rationale:

The Board members said multiple divisions in the Bureau would benefit from clear direction on engaging with youth and other vulnerable populations; in both social media, and one-on-one interactions. One member noted there are existing resources used in other industries regarding awareness for working with children in particular.

Recommendation #3 - Training: The Board members recommended the Bureau provide recurrent training on appropriate social media use to all Bureau members.

Vote: Concur / Five members

Rationale:

The Board members said that social media is changing rapidly and it's important to make sure officers understand how to use it appropriately, and what is not appropriate.

DATE: July 16, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on July 9, 2018 to review the following case:

IA Case Number: **2018-B-0012**

Employee: **Employee #1**

Incident Overview:

It was alleged a supervisor did not take appropriate action upon learning of alleged misconduct between two employees. During the investigation into the allegation, it was alleged that the same supervisor had a relationship with one of the employees, a subordinate, and failed to report the relationship to a supervisor as required.

Allegation 3: Employee #1 did not take appropriate action upon learning of officer misconduct.
(CONDUCT)

Recommended Finding: **Not sustained – Five members**

Applicable Directive: **310.00 – Professional Conduct and Courtesy**

Majority Opinion:

The Board unanimously recommended a finding of not sustained. Board members agreed there is not evidence that the referenced officer misconduct happened at all. There was therefore not a reasonable expectation that Employee #1 would report it.

Minority Opinion:

N/A

Allegation 4: Employee #1 engaged in an inappropriate relationship with a subordinate.
(CONDUCT)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **310.00 – Conduct, Professional**

Majority Opinion:

The Board unanimously recommended a finding of sustained. Board members said the relationship was inappropriate in the sense that it was not disclosed in a timely manner as required. They said Employee #1 admitted Employee #1 failed to report Employee #1's relationship. Failing to report the relationship did not meet the directive for professional conduct which requires that Bureau members

do not perform any action that might undermine operations or impair supervision. The relationship was between a supervisor and a subordinate, which creates potential conflicts that would have been addressed earlier if the relationship was disclosed.

Minority Opinion:
N/A

Allegation 5: Employee #1 failed to comply with Human Resources Administrative Rule 11.02 when Employee #1 did not promptly notify Employee #1's bureau director in writing of a romantic relationship with Employee #1's subordinate.
(PROCEDURE)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **315.00 – Laws, Rules, and Orders**

Majority Opinion:
The Board unanimously recommended a sustained finding. They said Employee #1 admitted Employee #1 failed to report the two-year-long relationship in a timely manner, as required by HR rule 11.02, and reported it only before Employee #1 was to be interviewed.

Minority Opinion:
N/A

Recommendations: Corrective Actions/Discipline

Majority Opinion:
The Board unanimously recommended category B on the discipline guide as conduct that may have a negative impact on operations of the Bureau. Board members noted this is Employee #1's second violation of Directive 310 within two years and is aggravated because the relationship was with a subordinate. One member noted Employee #1 was aware of the problems associated with failing to report a romantic relationship, and that it damaged an investigating officer's confidence in Employee #1 conducting Employee #1's duties fairly.

Two days SWOP – Five members

Minority Opinion:
N/A

Additional Corrective Action Recommended
N/A

Other Recommendations
No other recommendations.

DATE: Sept. 12, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on Sept. 5, 2018 to review the following case:

IA Case Number: **2018-C-0061**

Employee: **Employee #1**

Summary of Alleged Complaint:

During a protest, Employee #1 told Subject #1 that Subject #1 could be arrested for filming the police in an attempt to get Subject #1 to stop filming.

Allegation 1: Employee #1 was untruthful when Employee #1 told Subject #1 that Subject #1 could be arrested for filming the police. (CONDUCT)

Recommended Finding: **Not sustained with debrief – Four members
Exonerated with debrief – One member**

Applicable Directive: **310.50 – Truthfulness**

Majority Opinion:

Four members recommended the allegation is not sustained. The members said the investigation did not demonstrate Employee #1 knowingly violated the truthfulness directive. The members also said the allegation language about threatening arrest did not match the evidence and therefore could not be sustained.

Minority Opinion:

One member recommended a finding of exonerated. The member said there is insufficient evidence of a directive violation, and Employee #1 invoked an exception to the truthfulness requirement for managing the safety of bureau members. The member said deception is a de-escalation tactic used in policing. The member also said the allegation was poorly worded and the directive is not clearly defined.

The board also recommended a debrief to discuss with Employee #1 when it is permissible to use deception as a policing tactic, and the potential consequences to community trust.

Recommendations: Corrective Actions/Discipline

N/A

Additional Corrective Action Recommended

N/A

Other Recommendations

Recommendation #1 - Policy: Review and clarify directive 635.20 related to community member observation of police regarding who may film police and when such filming may take place. In particular, clarify whether subjects in police custody may film.

Vote: Concur / Five members

Rationale: As filming of police has become more prevalent, it is reasonable to consider if there are specific circumstances when it is not appropriate to allow filming.

Recommendation #2 – Training: Provide training to bureau members on the ethical use of the exception to the truthfulness directive and potential impacts to community trust from use of deception.

Vote: Concur / Five members

Rationale: Members will benefit from more guidance on if and when deception is acceptable or warranted as truthfulness and integrity are some of the most important values of the Police Bureau but deception is a policing tactic that may be appropriate in some instances,

DATE: November 8, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on November 1, 2018 to review the following case:

IA Case Number: **2018-B-0014**

Employees: **Employee #1**
Employee #2
Employee #3
Employee #4
Employee #5

Incident Summary:

Administrative investigation into the circumstance surrounding the officer involved shooting at 806 SW King Avenue on March 8, 2018.

Area of review #1: The Application of Deadly Force. (FORCE)

Employee: **Employee #1**
Recommended Finding: **In policy – Seven members**
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

Members of the board unanimously recommended a finding of in policy. They said Employee #1's actions in response to the subject threatening Police Bureau members with a firearm were reasonable and appropriate given circumstances, including the short amount in which events unfolded. They said Employee #1 appropriately issued commands and provided verbal warning before using deadly force. The board found that Employee #1's response was justified and reasonable considering the severity of the threat.

Minority Opinion:
N/A

Employee: **Employee #2**
Recommended Finding: **In policy – Seven members**
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

Members of the board unanimously recommended a finding of in policy. They said Employee #2 tried to take cover and provide time for the subject to respond to commands. They said Employee #2's actions were appropriate as other de-escalation tactics were used. Employee #2 followed the plan that was put in place and allowed use of a single negotiator.

The members also said Employee #2 considered the mental state of the subject to the extent possible given the circumstances, provided adequate warning, and that Employee #2's application of force was appropriate and within policy given the threat of death to Employee #2 and others.

One member said that a round from Employee #2's firearm is likely what was successful at disarming the subject.

Minority Opinion:

N/A

Area of review #2: Operational Planning and Supervision. (PROCEDURE)

Employee: **Employee #3**

Recommended Finding: **In Policy – Six members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Members of the board unanimously recommended a finding of in policy. As incident commander, they said Employee #3 made decisions to resolve the situation using as little force as possible. Employee #3 briefed team members appropriately and managed the incident as safely as possible.

Minority Opinion:

N/A

Employee: **Employee #4**

Recommended Finding: **In Policy – Four members**

In Policy with a Debrief – Two members

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Four members of the board recommended a finding of in policy. They said Employee #4 managed the confrontation using sound decision-making and that Employee #4 brought in appropriate resources. They found Employee #4's actions consistent with policy and said Employee #4 worked to resolve the situation with as little force as possible.

Minority Opinion:

Two members also recommended a finding of in policy for the same reasons and recommended a tactical debrief. The debrief would cover how the response might have been improved slightly to ensure all officers were available prior to firing on the subject.

Employee: **Employee #5**

Recommended Finding: **In policy – Six members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Members of the board unanimously recommended a finding of in policy. They said Employee #5's actions were consistent with policy and showed good decision-making to resolve the confrontation through negotiation and with as little force as possible. One member said that Employee #5 did a fantastic job changing Employee #5's role from that of a supervisor to negotiator, and that Employee #5's communication skills helped resolve the situation.

Minority Opinion:

N/A

Area of review #3: Post Shooting Procedures. (PROCEDURE)

Employee: **Employee #3**

Recommended Finding: **In policy – Six members**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid

Majority Opinion:

Members of the board unanimously recommended a finding of in policy for both directives. They said Employee #3 separated involved officers and admonished them not to discuss the incident. Employee #3 was aware medical services were called and provided proper notification using the chain of command.

Minority Opinion:

N/A

Employee: **Employee #4**

Recommended Finding: **In policy – Six members**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid

Majority Opinion:

Members of the board unanimously recommended a finding of in policy for both directives. The said Employee #4 properly separated and admonished officers involved in the use of force not to discuss the incident, requested medical services and ensured medical kits were available.

Minority Opinion:

N/A

Recommendations: Corrective Actions/Discipline
N/A

Other Recommendations

No other recommendations.

DATE: Nov. 26, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on November 19, 2018 to review the following case:

IA Case Number: **2018-B-0039**

Employee: **Employee #1**

Summary of Alleged Complaint:

On Date/Time [REDACTED], Employee #1 radioed in requesting a uniformed car respond to a non-injury collision Location [REDACTED]. Employee #1 was driving to Employee #1's home in a city-issued vehicle type [REDACTED] after a gathering at a friend's house when Employee #1 crashed. A light pole was knocked over and a tree was also hit. No other vehicles were involved in the collision.

Upon arrival, Bureau members determined that Employee #1 was likely intoxicated and notified their supervisors. Oregon State Police conducted a DUII investigation and, after a field sobriety test, Employee #1 was taken into custody for driving under the influence of intoxicants.

Allegation 1: Employee #1 operated a City of Portland vehicle under the influence of intoxicants. (CONDUCT)

Recommended Finding: **Sustained – Five members**

Applicable Directives: **310.00 – Conduct, Professional
315.00 – Laws, Rules, and Orders
315.30 – Satisfactory Performance
1245.00 – Vehicles, Off-Duty Use by Authorized Members**

Majority Opinion:

The board unanimously recommended a finding of sustained regarding each of the referenced directives. Board members said there was clear evidence Employee #1 was impaired while driving. Employee #1's statements, a breathalyzer test and investigator and civilian accounts showed Employee #1 was intoxicated while driving. Employee #1 also pled no contest in Multnomah County court on the charge of driving under the influence of intoxicants related to this incident.

Minority Opinion:
N/A

Allegation 2: Employee #1 was involved in a motor vehicle collision while driving a City of Portland vehicle under the influence of intoxicants. (CONDUCT)

Recommended Finding:	Sustained – Five members
Applicable Directives:	310.00 – Conduct, Professional 315.00 – Laws, Rules, and Orders 315.30 – Satisfactory Performance 1245.00 – Vehicles, Off-Duty Use by Authorized Members

Majority Opinion:

The board unanimously recommended a finding of sustained regarding each of the referenced directives. Board members said it is clear Employee #1 was involved in the motor vehicle collision while driving a City-owned vehicle while intoxicated. Employee #1 did not dispute Employee #1's involvement. Witness statements and evidence including the damaged vehicle also indicate a sustained finding.

Minority Opinion:

N/A

Allegation 3: Employee #1 drove a City of Portland vehicle under the influence of intoxicants in a manner likely to cause injury to persons or property. (CONDUCT)

Recommended Finding:	Sustained – Five members
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Applicable Directives:	310.00 – Conduct, Professional 315.00 – Laws, Rules, and Orders 315.30 – Satisfactory Performance 1245.00 – Vehicles, Off-Duty Use by Authorized Members
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Majority Opinion:

The board unanimously recommended a finding of sustained regarding each of the referenced directives. Board members said the damage observed to a light pole and tree, as well as to the vehicle Employee #1 was driving, demonstrate that property damage resulted from Employee #1's actions. Additional evidence is from the witness statement that Employee #1 was traveling 70 mph in an area marked 35 mph toward a blind turn in the road. The impact totaled the police vehicle and knocked over a light pole, demonstrating a forceful collision likely to cause injury and property damage.

Minority Opinion:

N/A

Allegation 4: While off-duty and on call, Employee #1 operated a City of Portland vehicle under the influence of intoxicants. (CONDUCT)

Recommended Finding:	Sustained – Five members
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Applicable Directives: **310.00 – Conduct, Professional**
315.00 – Laws, Rules, and Orders
315.30 – Satisfactory Performance
1245.00 – Vehicles, Off-Duty Use by Authorized Members

Majority Opinion:

The board unanimously recommended a finding of sustained regarding each of the referenced directives. Board members said Employee #1 stated Employee #1 was on-call at the time. As was determined through examination of the other allegations, board members said Employee #1 drove in a way that damaged property and was likely to injure Employee #1 or members of the public.

Minority Opinion:

N/A

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

Termination – Three members

Three members of the board recommended the conduct falls under category F on the Discipline Guide for that which could result in death or serious bodily injury. The members recommended corrective action of termination. They said the reckless driving, on top of driving while intoxicated, showed a wanton disregard for safety. They said it was only though good fortune that no one was hurt.

Two of the members said Employee #1's years of hard work for the Bureau were mitigating factors, but this was balanced by aggravating factors including Employee #1's role as [role], that Employee #1 was on-call at the time, and the risk to safety Employee #1 caused by driving recklessly.

One of the members said that the conduct was also substantially contrary to expected standards. The member said Employee #1's role and knowledge of other members' drinking and driving through the course of Employee #1's career at the Bureau, and the seriousness of the behavior, were aggravating factors.

Minority Opinion:

Demotion – Two members

Two members also recommended the conduct falls under category F on the discipline guide for the same reasons. The members recommended corrective action of demotion. One member said Employee #1 should have known better. Another member said Employee #1 made a horrible decision with negative consequences. They said the conduct was mitigated by Employee #1's stellar career, years of service, and handling of a difficult assignment to result in the recommended corrective action of demotion.

Additional Corrective Action Recommended

N/A

Other Recommendations

Recommendation #1:

Fill the vacant EAP position and continue the Bureau's ongoing support for and commitment to the officer wellness program.

Vote: Five members

Rationale:

A more robust EAP program will provide support to Bureau members who need it and better leverage the peer support network.

Policy

Recommendation #2:

Review the Bureau policy regarding member-involved vehicle accidents where there is a potential criminal investigation and consider policy to deploy a crash expert and request a full reconstruction.

Vote: Five members

Rationale:

The reconstruction by a crash expert will aid investigators and others reviewing the incident in understanding what happened.

No other recommendations.

DATE: Dec. 5, 2018

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on November 28, 2018 to review the following case:

IA Case Number: **2018-B-0023**

Employees: Employee #1
Employee #2
Employee #3
Employee #4
Employee #5
Employee #6
Employee #7
Employee #8
Employee #9
Employee #10

Incident Summary:

Administrative investigation into the circumstance surrounding the officer involved shooting at 526 SE Grand Avenue on April 8, 2018.

Area of review #1: The Application of Deadly Force. (FORCE)

Employee: **Employee #6**
Recommended Finding: **In Policy – Seven members**
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The board unanimously recommended a finding of in policy. Board members agreed that Employee #6 and other officers attempted to de-escalate the incident to the extent possible. They said Employee #6 appropriately considered whether the subject's lack of compliance was a deliberate attempt to resist, was aware of warnings that were provided, and that the use of force was reasonable and justified given the threat of death or injury.

Minority Opinion:
N/A

Employee: **Employee #7**

Recommended Finding: **In Policy – Seven members**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The board unanimously recommended a finding of in policy. Board members agreed that Employee #7 was aware of de-escalation techniques that were used. They agreed Employee #7 considered whether the subject's lack of compliance was a deliberate attempt to resist, that Employee #7 was aware of warnings that were provided, and that the use of force was reasonable and justified given the threat of death or injury.

Minority Opinion:

N/A

Employee: **Employee #8**

Recommended Finding: **In Policy – Seven members**

Applicable Directive: **1010.00 – Use of Force**

Minority Opinion:

The board unanimously recommended a finding of in policy. Board members agreed that Employee #8 was aware of de-escalation techniques that were used. They agreed Employee #8 considered whether the subject's lack of compliance was a deliberate attempt to resist, was aware of warnings that were provided, and that the use of force was reasonable and justified given the threat of death or injury.

Minority Opinion:

N/A

Employee: **Employee #9**

Recommended Finding: **In Policy – Seven members**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The board unanimously recommended a finding of in policy. Board members agreed that Employee #9 was aware of de-escalation techniques that were used. They agreed Employee #9 considered whether the subject's lack of compliance was a deliberate attempt to resist, was aware of warnings that were provided, and that the use of force was reasonable and justified given the threat of death or injury.

Minority Opinion:
N/A

Employee: **Employee #10**
Recommended Finding: **In policy – Seven members**
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:
The board unanimously recommended a finding of in policy. Board members agreed that Employee #10 was aware of de-escalation techniques that were used. They agreed Employee #10 considered whether the subject's lack of compliance was a deliberate attempt to resist, was aware of warnings that were provided, and that the use of force was reasonable and justified given the threat of death or injury.

Minority Opinion:
N/A

Area of review #2: The Application of Less Lethal Force. (FORCE)

Employee: **Employee #4**
Recommended Finding: **In policy – Seven members**
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:
The board unanimously recommended a finding of in policy. Board members agreed that Employee #4 made and was aware of warnings and de-escalation techniques used. They agreed Employee #4 attempted to prevent a suicide or serious self-inflicted injury to the subject, and defend against the threat of death or injury to Employee #4 or others from a person who was displaying active aggression. They said the use of less-lethal force was justified and reasonable, that Employee #4 made reasonable attempts to target preferred target areas, and justified each use of less-lethal force.

Minority Opinion:
N/A

Employee: **Employee #5**
Recommended Finding: **In policy – Seven members**
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:
The board unanimously recommended a finding of in policy. Board members

agreed that Employee #5 made and was aware of warnings and de-escalation techniques used. They agreed Employee #5 attempted to prevent a suicide or serious self-inflicted injury to the subject and defend against the threat of death or injury to Employee #5 or others from a person who was displaying active aggression. They said the use of less-lethal force was justified and reasonable, that Employee #5 made reasonable attempts to target preferred target areas, and justified each use of less-lethal force.

Minority Opinion:
N/A

Area of review #3: Operational Planning and Supervision. (PROCEDURE)

Employee:	Employee #1
Recommended Finding:	In policy – Three members In policy with a debrief – Three members
Applicable Directive:	315.30 – Satisfactory Performance

Opinion #1:
Three members recommended a finding of in policy. The members said Employee #1 had reasonable cause to have officers enter the building based on the subject's earlier suspected actions and the current threat posed. They said Employee #1 was aware of and used the tools available, including those to minimize the use of force and protect the community members present.

Opinion #2:
Three members recommended a finding of in policy for the same reasons and also recommended a debriefing. Though it would likely not have changed the outcome in this case, the tactical debriefing would cover how Employee #1 should have taken a more assertive role as a scene supervisor and detailed the tasks assigned to officers during the incident so they could focus more on their respective tasks.

Area of review #4: Post Shooting Procedure. (PROCEDURE)

Employee:	Employee #1
Recommended Finding:	In policy with a debrief – Five members In policy – One member
Applicable Directives:	1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures 630.50 – Emergency Medical Aid

Majority Opinion:
Five members recommended a finding of in policy with a debrief. They said Employee #1 formed a contact team to approach the subject to provide medical aid and requested medical personnel to enter the building. They said Employee #1's actions to direct securing of the scene and separating the involved members

as required were within policy.

The recommended debriefing would be to discuss how Employee #1 could have focused on Employee #1's role as scene supervisor post-shooting instead of approaching the subject to provide medical aid as emergency medical personnel were available.

Minority Opinion:

One member recommended a finding of in policy for the same reasons but did not recommended a debriefing.

Employee:	Employee #2
Recommended Finding:	In policy – Four members In policy with a debrief – Two members
Applicable Directives:	1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures 630.50 – Emergency Medical Aid

Majority Opinion:

Four members recommended a finding of in policy. They said Employee #2 appropriately assisted in the crime scene security protocol and in separating witnesses and involved members. Emergency medical aid was available.

Minority Opinion:

Two members also recommended a finding of in policy for the same reasons and recommended a debrief. The purpose of the debrief would be to discuss ensuring communications are clear about the provision of required notifications.

Employee:	Employee #3
Recommended Finding:	In policy with a debrief – Six members
Applicable Directives:	1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures 630.50 – Emergency Medical Aid

Majority Opinion:

Six members recommended a finding of in policy with a debrief. The members said Employee #3 ensured the scene was secure, the separation of involved members and witnesses and ordered them not to discuss the incident. Employee #3 also partnered involved members with uninvolved members and took reasonable care that involved members would not change their clothes.

The recommended debriefing would be to discuss ensuring communications are clear about the provision of required notifications.

Minority Opinion:

N/A

Recommendations: Corrective Actions/Discipline
 N/A

Other Recommendations

Recommendation #1 (Training): The board recommended the Training Division review the active shooter training protocol and see how it might apply to threats other than those using a firearm.

Vote: All concur

Recommendation #2 (Training): The board recommended the Bureau develop and provide a checklist for the use of supervisors to aide in ensuring the required post-shooting notifications are made. The Bureau of Emergency Communications should also have a checklist to help scene supervisors ensure required notifications are made.

Vote: All concur

Recommendation #3 (Policy): The board recommended the Bureau review policies and practices around determining the timeframe in which it is appropriate to release to the public video evidence of incidents involving the use of deadly force.

Vote: All concur

DATE: February 20, 2019

TO: Christopher Paillé
Review Board Coordinator

FROM: Bridger Wineman
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on February 11, 2019 to review the following case:

IA Case Number: **2018-B-0007**

Employee: **Employee #1**

Incident Overview:

Employee #2 was hired as a police officer as part of the Retire/Rehire Program during a period when Employee #2's police powers were suspended as a result of Employee #2's inability to qualify with a handgun.

Allegation 1: Employee #1 acted unprofessionally and outside the scope of Employee #1's duties when Employee #1 helped facilitate the rehire of Employee #2.
(PROCEDURE)

Recommended Finding: Sustained – Five members

Applicable Directive: Directive 315.30 – Unsatisfactory Performance

Majority Opinion:

The board unanimously recommended a finding of sustained. Members said Employee #1 acted unprofessionally when Employee #1 facilitated a hiring decision.

Three members said Employee #1's statement that he was not aware of Employee #2's qualification status conflicts with other credible sources.

One member said Employee #1 did not clarify Employee #1's actions in Employee #1's interview, which showed Employee #1 lacked an understanding of Employee #1's role at the time. Another member said that Employee #1's interview statements strain Employee #1's credibility.

Another member said Employee #1 did not understand or do Employee #1's job, and at worst, Employee #1's presentation to the Chief recommending Employee #2 for rehire was deceitful. Employee #1's later statements to investigators failed to clarify Employee #1's actions.

Minority Opinion:
N/A

Recommendations: Corrective Actions/Discipline

Majority Opinion:
The board unanimously recommended category E in the discipline guide and the presumptive discipline of one-week SWOP for conduct that involves the misuse of authority and results in impact to the professional image of the Portland Police Bureau. Employee #1's hiring recommendation implies misuse of authority and undermines the Bureau's credibility. Employee #1 had opportunities to handle it differently. Adverse impacts from Employee #1's actions included a temporary halt of the Retire/Rehire program and impacted the relationship with a Bureau partner.

One-week SWOP – Five members

Minority Opinion:
N/A

Other Recommendations

No other recommendations.

DATE: March 7, 2019

TO: Christopher Paille
Police Review Board Coordinator

FROM: Adrienne DeDona, JLA Public Involvement
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on February 27, 2019 to review the following case:

IA Case Number: **2018-B-0059**

Employees: Employee 1
Employee 2
Employee 3
Employee 4

Incident Summary:

Administrative investigation into the circumstance surrounding the officer involved shooting that occurred at SW 3rd Avenue and SW Harvey Milk Street on September 30, 2018.

Area of review #1: The Application of Deadly Force. (FORCE)

Recommended Finding: **Employee 1 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The Board reviewed the RU manager's assessment of the incident and unanimously agreed with the recommended finding of In-Policy.

Board members found that Suspect 1 posed an immediate threat to the lives of Employee 1 and Employee 2, as well as to the community. The Board agreed that Employee 1 acted within policy with [redacted] use of force against Suspect 1, and also stopped firing once [redacted] realized [redacted] rounds impacted Suspect 1, ending the threat.

Members of the Board noted that given their understanding of the incident, Employee 1 acted well within [redacted] training parameters, especially considering how fast it happened. One member described how Suspect 1 was running towards and not away from the officers, and remarked Employee 1 had valid reasons to believe there was an immediate threat. Additionally, a Board member noted that Suspect 1 received no rounds following [redacted] falling to the ground, indicating that Employee 1's use of force was consistent with training to halt shooting once the threat has ceased.

During the discussion, one member of the Board called into question whether Employee 1 would have had the time to adequately assess the background before firing given the fast nature of the incident. Another member of the Board

responded that officers are trained to be very aware of their surroundings as soon as they exit their vehicle, a skill that improves over their career.

Another member asked whether there were individuals hiding between the cars when Employee 1 and Employee 2 started shooting. A Board member responded that there were many people in the vicinity, some hiding behind cars and others running in every direction, therefore there were people in the immediate proximity, however there were no individuals downrange of Employee 1 and Employee 2 when they began firing.

In summary, the Board found that under the circumstances, Employee 1 was required to use deadly force and acted within policy to protect [REDACTED] Employee 2 and the community.

Employee 1

Minority Opinion:
N/A

Recommended Finding: **Employee 2 – In-Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The Board reviewed the RU manager's assessment of the incident and was unanimous in agreeing with the recommended finding of In-Policy with Directive 1010.00 – Use of Force for Employee 2. The Board felt that the same rationale used for Employee 1's In-Policy finding for use of force was applicable to Employee 2. The rationale for the finding was that Suspect 1 posed an immediate threat to the lives of Employee 1 and Employee 2, as well as to the community. The Board agreed that Employee 2 acted within policy with [REDACTED] use of force towards Suspect 1, and also stopped firing once [REDACTED] realized [REDACTED] rounds impacted Suspect 1, ending the threat.

Minority Opinion:
N/A

Area of review #2: Operational Planning and Supervision. (PROCEDURE)

Recommended Finding: **Employee 1 - In-Policy Unanimous (5)
In-Policy with a Debriefing (2)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board reviewed the RU manager's assessment of Employee 1's performance in the incident and was unanimous in agreeing with the recommended finding of In-Policy.

Board members unanimously found Employee 1 used [REDACTED] training and experience to identify potential confrontation at the site of the incident based on [REDACTED] knowledge of fights occurring in the area earlier in the evening. Upon seeing individuals gathering in the parking lot, Employee 1 called for additional units, illuminated [REDACTED] lights, and waited for additional cover officers to arrive. Employee 1 used appropriate planning and supervision prior to the shooting in an effort to deescalate and disperse the group in the parking lot.

One Board member asked whether, given the knowledge of previous incidents in the area, appropriate planning would involve entering the area with another officer. Another Board member responded that Employee 1 acted appropriately in calling for additional units and illuminating [REDACTED] lights, and that it is not procedure to travel with multiple officers in that area or come with more units.

A Board member asked if officers are aware of the increased gun presence in the area when they respond to active shootings. A Board member responded that some venues are more prudent in making sure their patrons do not come armed, but there is a greater awareness for gun presence in the area and it is the officer's duty to radio out any active threat involving guns.

In summary, the Board was unanimous with a finding of In-Policy and felt that Employee 1 appropriately used [REDACTED] training and experience, and two (2) Board members recommended debriefing.

Minority Opinion:

The two board members believed Employee 1 would benefit from a reminder to broadcast out when assuming the role of supervisor on the scene.

Area of review #3: Post Shooting Procedures. (PROCEDURE)

Recommended Finding: **Employee 3 – In-Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures;
630.50 – Emergency Medical Aid**

Opinion:

The Board reviewed the RU manager's analysis of Employee 3's performance and was unanimous in agreeing with the finding of In-Policy.

Board members found that, upon arrival, Employee 3 used appropriate procedure in determining that other officers were providing medical aid to Suspect 1, and therefore took the initiative to assist in securing individuals in a nearby car that [REDACTED] saw posed a potential threat. Additionally, Employee 3 followed procedure by radioing out [REDACTED] role as Incident Commander. Employee 3 also followed post shooting procedures by asking both Employee 1 and Employee 2 the direction in which they fired their guns, establishing the crime scene entrance, and making the required notifications. Employee 3 worked together with Employee 4 to ensure the timeliness and completion of post-shooting procedure.

Recommended Finding: **Employee 4 – In-Policy (Unanimous)
In Policy with a Debriefing (1)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Majority Opinion:

The Board reviewed the RU manager's assessment of Employee 4' performance and was unanimous in agreeing with the recommended finding of In-Policy.

Employee 4 observed and responded to Suspect 1's medical needs, and took the appropriate action in directing officers to address individuals in a car that [REDACTED] felt posed a potential threat to allow the custody team to safely approach Suspect 1. Employee 4 directed and assisted the custody team in providing medical aid to Suspect 1, as well as secured transport by medical personnel. Additionally, Employee 4 followed procedure by identifying the involved officers and witness officers and separating them. Employee 4 assisted in following crime scene procedure in identifying and preserving the crime scene area and evidence, and directing officers to detain potential witnesses. It was also noted that Employee 4's team were prepared and worked as a very effective unit that required little to no direction from Employee 4.

A Board member noted that it was impressive that Employee 4 didn't have to apply much direction to [REDACTED] team due to their ability to work as a unit.

Minority Opinion:

One (1) Board member noted that it was less than optimal for Employee 4 to be engaged in the operating team and warrants a debriefing. The Board member that recommended the finding of In-Policy with Debrief felt that Employee 4 would benefit from a reminder of █ role as a supervisor and refrain from engaging in the operating team.

Another Board member expressed the belief that Employee 4, by assuming a role in the operating team, showed flexibility and a situational awareness. Additionally, the board member noted that, ideally, Employee 4 would have been able to step back and supervise, but that there were limited officers and critical jobs that needed to be done.

Recommendations:

Training

The Board noted that there is a consistent issue of sergeants directly engaging in operations when arriving on-scene, and unanimously agreed to recommend that the Training Division discuss how to address this at the upcoming Training Needs Assessment. The Board recommended that the Training Division provide clarification regarding what is expected from sergeants when arriving on-scene, and that they reinforce training that sergeants not directly engage in operations except in circumstances where non-engagement would be detrimental to the safe management of the incident.

Policy

The Board unanimously agreed with a recommendation to review the policy and practice regarding the timing of the release of information, such as video evidence, to the public following similar incidents. The Board felt that this would improve relations between the police and the public in that it could resolve any misconceived notions of misconduct or unjustified police action and strengthen transparency.

DATE: March 13, 2019

TO: Chris Paille
Police Review Board Coordinator

FROM: Jeanne Lawson, JLA Public Involvement, Inc.
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on February 28, 2019 to review the following case:

IA Case Number: **2018-C-0248**

Employee: **Employee 1**

Summary of Alleged Complaint:

On [REDACTED] 2018, Employee 2 and Employee 1 were dispatched to the [REDACTED] Sandy Boulevard for a person who [REDACTED] had just assaulted the clerk. The 911 caller, who was a vender at the location, provided dispatch a description of the suspect vehicle and license plate.

Upon arrival, Employee 2 interviewed the victim, viewed the surveillance video, observed the suspect's physical appearance, and developed probable cause to arrest the unknown person for Assault IV. As Employee 2 was leaving the [REDACTED] Employee 1 radioed that [REDACTED] had conducted a traffic stop with the vehicle that matched the plate and description provided by the vender.

Employee 2 arrived at the traffic stop, and contacted the passenger. Employee 2 determined that the passenger was the suspect in the video, later identified as Suspect 1. Employee 2 informed Suspect 1 that [REDACTED] was under arrest, and Employee 2 and Employee 1 took [REDACTED] into custody. Suspect 1, and the driver of the vehicle, Witness 1, displayed signs of intoxication and were asked to turn the car engine off and exit the vehicle.

Suspect 1 was walked to the patrol car and an inventory search was conducted. Due to Suspect 1's intoxication, [REDACTED] demeanor fluctuated and [REDACTED] teetered back and forth from argumentative to calm, and [REDACTED] refused to get into the patrol car. Suspect 1 eventually sat in the patrol car, but refused to put [REDACTED] legs in. Employee 1 walked to the other side of the patrol car and reached inside the passenger side and pulled Suspect 1 into the vehicle. Employee 2 read Suspect 1 his Miranda warning, and they returned to the [REDACTED] to provide the victim with the District Attorney's information. They then proceeded to jail.

Employee 1 and Employee 2 did not allow Witness 1 to drive [REDACTED] vehicle due to [REDACTED] signs of intoxication. The vehicle was parked legally, and Employee 1 decided to leave the vehicle parked. [REDACTED] took Witness 1's keys and instructed [REDACTED] to pick them up at [REDACTED] Precinct when [REDACTED] was sober and able to drive. [REDACTED] confirmed with [REDACTED] that [REDACTED] had a ride and provided [REDACTED] with [REDACTED] business card.

The other allegations in this case (1-3, and 7) were relevant to the actions of another employee and were found Not Sustained by all reviewing parties. For this reason, the allegations (1-3, and 7) were not reviewed by the Police Review Board.

Allegation 4: Employee 1 # [REDACTED] inappropriately released Suspect 1's property to a third party.

Recommended Finding: **Employee 1 – Not Sustained
(Unanimous)**

Applicable Directive: **660.10 – Property and Evidence Procedure**

Opinion:

Board members found no evidence to show Employee 1 took Suspect 1's cell phone and gave it to [REDACTED], Witness 1.

Allegation 5: Employee 1 # [REDACTED] utilized inappropriate force while placing Suspect 1 in the backseat of a patrol vehicle. (Force)

Recommended Finding: **Employee 1 – Not Sustained
(Unanimous)**

Applicable Directives: **1010.00 – Use of Force**

Opinion:

Board members found that, based on the definition of force, Employee 1 did not use inappropriate force when moving Suspect 1 by pulling on [REDACTED] arm in order to have [REDACTED] seated more deeply into the police vehicle.

One board member noted that because Suspect 1 was belligerent, refused to get into the car, and almost kicked Employee 2, Employee 1 took appropriate action in moving Suspect 1.

Allegation 6: Employee 1 # [REDACTED] failed to document the release of Suspect 1's property. (Procedure)

Recommended Finding: **Employee 1 – Not Sustained
(Unanimous)**

Applicable Directive: **660.10 - Property and Evidence Procedures**

Opinion:

Board members found no evidence to show Employee 1 failed to write a report based upon their earlier finding that there was no evidence to show Employee 1 took Suspect 1's cell phone and gave it to [REDACTED], Witness 1.

Allegation 8: Employee 1 # [REDACTED] failed to document a use of force. (Procedure)

Recommended Finding: **Employee 1 – Not Sustained (1
member); Not Sustained with Debriefing (3**

members)
Sustained (1)

Applicable Directive: **1010.00 - Use of Force**

Majority Opinion:

One board member noted that because the allegation that Employee 1 used inappropriate force was not sustained, Employee 1 was not required to document use of force. The board member used the example of moving a handcuffed person to their feet if they refuse to stand and is not considered force under the directive. Additionally this board member explained that Employee 1 testified that [REDACTED] did not believe [REDACTED] used force and therefore would not believe the use of force needed to be documented.

A board member asked how the action of pulling is taught in terms of reporting use of force. Another board member responded that this would be related to overcoming resistance, noting that “wiggling” isn’t considered resistance. Additionally, the board member explained that officers will routinely guide people into a patrol car, but the dividing line is whether there is actual resistance.

A board member asked if gravity is considered resistance. A board member responded that gravity isn’t considered during training, but that kicking and flailing would be considered resistance.

A board member posited the opinion that force was not used and that the rationale for the controverted finding seemed to be pulling from a Category 4 under the directive. The board member noted that based on the interviews, Employee 1 surprised Suspect 1, not allowing Suspect 1 time to resist. Additionally the board member cited that Suspect 1 never said [REDACTED] resisted arrest. The board member [REDACTED] contended that the finding was not based on Category 4, and explained that force can take place without resistance, and the finding of Sustained is based more on the action of pulling or tugging as a form of physical coercion.

A board member explained that physical coercion implied a level of force or momentum. Additionally, this board member explained that Employee 1 used the term “enough force to slide him across the seat” shouldn’t be used as a reason that [REDACTED] used force because it was a colloquial use and not based on the directive.

A board member posited that while Suspect 1 did not say [REDACTED] resisted arrest, [REDACTED] description of [REDACTED] arrest indicated resistance based on the fact that [REDACTED] said [REDACTED] did not know why [REDACTED] was being arrested, wouldn’t bring [REDACTED] legs into the car, and described being pulled into the car. A board member responded that Suspect 1’s description isn’t very helpful, and that Employee 1’s account is more important in terms of whether [REDACTED] felt [REDACTED] encountered resistance. The board member explains that this incident has identified a problem with the definition of force, specifically in regards to whether Employee 1’s action would be considered a control hold.

The board member also noted that the directive does not define the type of resistance and therefore supports the finding of Not Sustained given the evidence and language in the directive. The board member did feel that Employee 1 should have documented the incident, and that this indicates a gap in the force policy, but noted that a control hold was never intended to be considered a use of force.

A board member agreed that the key question involved the concept of overcoming resistance, and encouraged the Board to consider whether Employee 1's actions were an example of overcoming resistance or just simply taken in order to move Suspect 1 into the car.

A board member explained that Employee 1 completed a take-down in a controlled manner with minimal resistance and no injury, and noted that if a take-down is performed in a way that will likely cause injury that would be considered force. The board member who made a controversial finding recommendation reiterated that resistance isn't the only element to consider when determining use of force. Another board member submitted that it is likely impossible to prove it was a resisted control hold, and that the Board should be considering what Employee 1 believed ■ was up against.

A board member's understanding of the incident was that Suspect 1 was seated with ■ feet on the ground and told many times to get in the car, and Employee 1 went around the car and used ■ left arm on the right side of Suspect 1 to bring ■ into the car. The board member acted out the action of pulling Suspect 1 into the car. The board member then explained that ■ believed Employee 1 likely thought ■ had to physically coerce Suspect 1 based on ■ non-compliance with orders, and therefore meets the definition of force. The board member then explained that ■ felt it was an appropriate action given the situation. Additionally, the board member was curious about Employee 2's recollection of Suspect 1's foot going past ■ face, and whether that was because ■ kicked, or because ■ was pulled resulting in ■ foot raising toward Employee 2's face.

A board member noted that, while it is good practice for an officer to document any time they put their hands on someone, that is not laid out in the policy, and because of this lack of documentation there are things the Board cannot know for certain.

Three board members agreed with a finding of In-Policy with a Debriefing, with the suggested debriefing of reminding Employee 1 to be mindful when making an arrest as to when to make a report. The rationale for this debrief was that in criminal matters an officer may not remember the incident clearly later on and a report would help support the officer's action from the beginning to end of their involvement. One board member felt that the incident did not warrant a debriefing and voted Not Sustained, contending Employee 1 did not use force and that there was not enough evidence to say there was a violation of policy.

Minority Opinion:

The board member that voted to sustain the allegation highlighted Employee 1's

description of █ actions as grabbing Suspect 1's bicep and using enough force to pull █ across the seat in order to allow Employee 2 to close the door. The board member explained that based on the preponderance of evidence, and the definitions of force and physical coercion, Employee 1's actions were intended to physically coerce Suspect 1. The board member noted that they did not have a problem with Employee 1's actions, but that they feel it just barely falls into the definition of force, and therefore the directive needs to be reviewed.

The board member that voted to sustain the allegation highlighted areas of the interviews that indicate that Employee 1's action was dynamic including when Employee 1 said █ used "enough force to slide him across the seat," as well as stating that █ used the technique █ used in order to avoid using a higher level of force. The board member also cited the language in Directive 1010.00 in which it defines force as physical coercion used to effect, influence, or persuade an individual to comply.

Allegation 9: Employee 1 # █ failed to complete a property and evidence receipt when seizing █ Witness 1's property. (Procedure)

Recommended Finding: **Employee 1 – Sustained
(Unanimous)**

Applicable Directive: **660.10 - Property and Evidence Procedures**

Opinion:

A board member noted that, based on the interview, Employee 1 knew █ was not going to take the keys to the evidence locker and instead drop them off at the precinct, which implied Employee 1 was aware of the procedure but did not follow it. The board member noted that they understood why Employee 1 did not take the keys to the evidence locker.

A board member noted that officers do this sort of thing all the time, explaining that Employee 1 could have arrested Witness 1 for DUI or impounded █ car. Additionally, the board member explained that it is understandable that Employee 1 did not bring the keys to the evidence locker, because a full report is required if a property report is submitted.

Board members understood Employee 1 took possession of Witness 1's car keys to prevent █ from driving. However, board members found Employee 1 failed to fill out a property receipt, provide Witness 1 with the yellow copy of the receipt, attach the pink copy with the keys, and send the white copy to the Records Division, as required under Directive 660.10.

Allegation 10: Employee 1 #51269 failed to document the seizure of █ Witness 1's car keys in an appropriate police report. (Procedure)

Recommended Finding: **Employee 1 – Sustained
(Unanimous)**

Applicable Directive: **900.00 - General Reporting Guidelines**

Opinion:

Board members agreed the evidence showed Employee 1 took possession of Witness 1's keys to prevent [REDACTED] from driving and considered this to be a police action and a use of [REDACTED] authority. Board members found Employee 1 failed to write a required report after taking police action.

Board members also noted that Employee 1 also admitted [REDACTED] did not write a report.

Recommendations: Corrective Actions/Discipline

Majority Opinion:

CC – Unanimous

Three board members believed Category B best described Employee 1's misconduct. Based on the facts presented, it was in their opinion that Employee 1's behavior involved minor deviation from search and seizure policy and noted the corrective action was mitigated due to Employee 1's history of no previous violations. The other two board members felt that Employee 1's actions were best described by Category A as a failure to write a report.

Minority Opinion:

N/A

Additional Corrective Action Recommended

A board member recommended that guidance be issued to both Employee 1 and Employee 2 in regards to enforcement action in cases of drunk drivers, and suggested that this guidance be included in Employee 1's corrective action and as a debrief with Employee 2. The board member explained that officers should be encouraged to consider the dangerous impacts of drunk driving on the community.

Other Recommendations

Two board members agreed that the Bureau needs to take additional steps to address drunk driving, specifically in regards to staffing the traffic division.

Training

A board member recommended that officers be trained on control tactics to inform them in advance of an incident on what type of tactic is or is not consider a use of force. Another board member explained the situational nature of this type of training, and that is would be difficult to train officers considering that resistance can happen in a moment, resulting in an action that was not force becoming force. Additionally the board member said that this is already included in the training. The first board member agreed that it's not possible to forecast these situations and withdrew the recommendation instead suggesting that there be conversations with the Training Division about this issue.

A board member recommended that officers receive better training to encourage even contemporaneous documentation of incidents to avoid similar situations in the future. A board member responded that this is already encouraged.

A board member suggested that the Training Division and policy team examine and review the facts of this scenario with the use of force directive to determine potential changes to policy and training. Another board member suggested expanding this effort to "police action" rather than limiting it to just force.

The Board discussed having additional training for officers in regards to drunk driving. A board member pointed out that in this incident, Witness 1 participated in a crime and smelled of alcohol when Employee 1 and Employee 2 pulled [REDACTED] over, and that there was a lawful basis to stop the vehicle. Additionally, the board member noted that there seems to be a blasé attitude by officers towards drunk driving. Another board member noted that there were no traffic police at the time of the incident, and that the Bureau no longer has 24 hour staffing in the traffic division. Additionally, the board member agreed that it would be beneficial to spend more time addressing drunk driving in staffing and training.

Policy

The Board discussed clarifying the policy language around what is considered an appropriate report. The policy language requires that officers make an appropriate report following any police action; however the Board felt that it does not adequately specify what an appropriate report entails given the type of police action.

DATE: April 19, 2019

TO: Christopher Paille
Police Review Board Coordinator

FROM: Adrienne DeDona
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on April 10, 2019 to review the following case:

IA Case Number: **2018-B-0077**

Employees: Employee 1
Employee 2
Employee 3
Employee 4
Employee 5

Incident Summary:

Administrative investigation into the circumstance surrounding the in-custody death at SW 6th Avenue and SW Mill Street on November 22, 2018.

Area of review #1: The Application of Force. (FORCE)

Recommended Finding: **Employee 1 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

Employee 1 articulated that [redacted] use of force was reasonable and used Bureau training to accomplish the task of taking Suspect 1 to the ground. Employee 1 was not aware of the PSU officers reasoning for arresting Suspect 1, and whether it was for mental health or other reasons. Employee 1 observed the Suspect 1 was already engaged physically with the PSU officers, and used a reasonable and the least amount of force necessary to place Suspect 1 in handcuffs. Employee 1 decreased the amount of force once Suspect 1 was in handcuffs, and noticed that Suspect 1 was bleeding and requested medical to the scene. Employee 1 did not render first aid, and explained that medical had already been called and did not think it needed to be rendered sooner. Employee 1 also said that once Suspect 1 was in handcuffs and was no longer resisting [redacted] left the immediate area for a moment to wash blood off [redacted] pants and hands.

Employee 1 articulated that [redacted] force was reasonable, and was the least amount of force to accomplish the task of taking Suspect 1 to the ground. Employee 1 was also unaware of PSU officers' intention for arresting Suspect 1, and whether it was for mental health or other reasons. Employee 1 and Employee 2 observed and assisted PSU officers within reason using the least amount of force.

Board members agreed that Employee 1's use of force was within Bureau training and policy and that considering the circumstances █ responded appropriately.

Minority Opinion:
N/A

Recommended Finding: **Employee 2 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

Employee 2 articulated that █ use of force was reasonable and used Bureau training to accomplish the task of taking Suspect 1 to the ground and into custody with the least amount of force necessary.

Upon arriving on the scene, Employee 2 observed that PSU officers had been engaged in a prolonged struggle with Suspect 1 and believed that █ needed to control Suspect 1. Once Suspect 1 was in custody, Employee 2 stopped using force and stated that █ did not render first aid because █ was already aware that medical had arrived on scene and it was in their hands. Employee 2 said that █ stayed with Suspect 1 touching him until medical arrived, and that █ observed that Suspect 1 was breathing based on the movement of his chest.

Board members agreed that Employee 2's use of force was within Bureau training and policy and that considering the circumstances █ responded appropriately.

Minority Opinion:
N/A.

Area of review #2: Operational Planning and Supervision. (PROCEDURE)

Recommended Finding: **Employee 3 – In Policy (5)
In-Policy with a Debriefing (1)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board agreed that Employee 3 performed █ duties in the manner that was necessary given the circumstances and found █ performance to be within policy and that █ appropriately managed the situation and crime scene until homicide detectives arrived.

Minority Opinion:

The board member believed that because Employee 3 let Employee 1 wash the blood off █ that Employee 3 would benefit from a debrief about preserving the crime scene, specifically in regards to prioritizing evidence (in this instance, the taking of photos of officers in their uniforms) while also addressing biohazard

(blood) concerns.

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board agreed that Employee 4 performed █ duties in managing the crime scene, closing the MAX and streetcar service in the area and working with the other sergeants, and found that █ performance was within policy.

Minority Opinion:

N/A

Recommended Finding: **Employee 5 – In Policy (Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board agreed that Employee 5 performed █ duties upon arriving at the scene, advising sedation for Suspect 1, taking photos for reporting purposes, securing witnesses, and using the appropriate chain of command. Additionally, board members noted that Employee 5 recognized that the scene needed to be treated as a crime scene and delegated Employee 4 to separate the involved members, as well as monitored the incoming calls for service. The Board found that Employee 5's performance was within policy.

Minority Opinion:

N/A

Area of review #3: In-Custody Death Procedures. (PROCEDURE)

Recommended Finding: **Employee 3 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures
630.50 – Emergency Medical Aid; 640.10 – Crime Scene Procedures**

Majority Opinion:

Board members agreed that Employee 3 followed procedure in calling for medical and accompanying Suspect 1 to the hospital. Board member noted that all of the directives were addressed and found Employee 3's performance to be within policy. A board member noted that the crime scene was well coordinated and that it was impressive how the sergeants were able to control it, an impression that was echoed by the Detectives Division.

Minority Opinion:
N/A

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid; 640.10 – Crime Scene Procedures

Majority Opinion:

Employee 4 was placed in charge of the crime scene and worked with Employee 3 and Employee 5 to ensure the directives were addressed.

Board members agreed that Employee 4 appropriately followed procedure and that the same reasons used in reviewing Employee 3 could be applied as rationale for their finding.

Minority Opinion:
N/A

Recommended Finding: **Employee 5 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid; 640.10 – Crime Scene Procedures

Majority Opinion:

Employee 5 was made incident commander and worked with Employee 3 and Employee 4 to ensure all of the directives were addressed.

Board members agreed that Employee 5 appropriately followed procedure and that the same reasons used in reviewing Employee 3 and Employee 4 could be applied as rationale for their finding. Additionally, a board member noted that Employee 5 took the initiative, as an officer, to assume the action role of sergeant, and that he did a commendable job.

Minority Opinion:
N/A

Recommendations: Training

Multiple board members suggested recommending that officers receive additional training on how to appropriately handle cases of excited delirium, however, due to two advisory board members leaving unexpectedly, there was no quorum and

therefore the Board did not formally vote on making this recommendation.